

## REMARKS/ARGUMENTS

This Amendment is submitted in response to the first Official Action of February 1, 2006. Reconsideration and allowance of the claims in view of the foregoing amendments and these accompanying remarks are respectfully requested.

The Official Action objected to the specification because of a misspelling at page 1, line 13 and an incomplete sentence at page 5, line 11. Appropriate amendments have now been made correcting the specification.

Claims 1 and 13 were objected to because of certain typographical errors which have now been corrected.

Concerning the rejection on the merits, claims 1, 3, 4, 7, 10, 11 and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,860,750 to Frey et al. This rejection is now respectfully traversed.

In applying the Frey et al. '750 patent to applicants' claim, the Examiner has indicated that the side ports in Frey are generally aligned with the contact contained within the longitudinal bore of the header 14. As is clear from Figure 1 of Frey, the contact is identified by numeral 18 while the side ports into which the members 35 and 38 are inserted are well distal of the contact 18. Furthermore, the Examiner has interpreted applicants' conductive terminal pin 30 on the lead to comprise both the conductive pin 25 and the insulation layer 24 covering the stimulating lead in Frey et al. to be the pin. It is submitted that this is an improper application of the Frey et al. reference to applicants' claim 1. Claim 1 requires that the pin be "conductive" and the insulating layer 24 certainly is not conductive. Also, applicants' claim 1 provides that there is a terminal having a conductive pin. Thus, the member 26 surrounding insulating layer 24 cannot be a part of the conductive pin.

Before a claim can be said to be anticipated, there must be disclosed within the four corners of the prior art reference relied upon a complete teaching of each and every element and limitation of the claim sought to be anticipated. In addition to the above, the Frey et al. patent does not disclose, explicitly or implicitly, an elastomeric tube insertable through one of first and second side ports of the device connector so as to be oriented

crosswise to the longitudinally extending bore in the device connector. Hence, independent claims 1 and 7 are not anticipated. In that claims 3, 4, 10, 11 and 14 depend either directly or indirectly from independent claims 1 and 7, those dependent claims are also not anticipated under 35 U.S.C. §102(b) and this rejection should be withdrawn.

Finally, it is submitted that the amendment made to element (e) of claim 1 is to make it no longer a product-by-process limitation.

Claims 2, 5, 9 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Frey et al. '750 in view of U.S. Patent 6,080,188 to Rowley. This rejection is also respectfully traversed.

The Rowley et al. '188 patent shows an altogether different lead locking mechanism than what is shown in the Frey et al. patent and the two would be incompatible resulting in an unworkable arrangement. Rowley teaches a rotatable axle having a handle to facilitate rotation thereof where the axle has a saddle portion that is coated with an elastomer. By rotating the handle appropriately, to squeeze against a portion of the leads insertable down the longitudinal bore or bores of the device header. The combination of the Frey et al. '750 patent and the Rowley et al. '188 patent fails to teach an elastomeric tube insertable through one or the other of opposed side ports formed in the side surfaces of the header followed by insertion of first and second latch members having legs extending into the lumen of the elastomeric tube and arranged such that when the first and second latch members are squeezed together, the elastomeric tube is made to distend to hold the conductive pin of a stimulating lead in place against the electrical contact within the header. Because of this significant difference, it cannot be said that the combination of references proposed in the Office Action renders applicants' claims obvious.

Claims 6 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Frey in view of U.S. Patent 5,486,202 to Bradshaw. It appears that the Bradshaw reference was cited because it teaches a cardiac stimulator lead connector for an implantable pulse generator that includes a seal washer 30 for preventing ingress of body fluids that might otherwise compromise the integrity of the electrical connection between the stimulating lead terminal pin and the connector contact within the header. Applicants readily acknowledge that it is old in the art to include a seal member for preventing

ingress of body fluids. There are many, many prior art patents teaching the use of a seal for this purpose. However, applicants' seal arrangement is quite different. As set out in claim 6, the elastomeric tube as recited in claim 1 creates a body fluid impervious seal between the opposing latch members and the device connector upon squeezing the latch members together. Clearly, the seal 30 in the Bradshaw patent does not function in this manner. The same comments apply to claim 8.

The Office Action next rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Frey et al. in view of Rowley and further in view of Bradshaw. This rejection is also traversed. Claim 13 depends from claim 12 which, in turn, depends from claim 9 that depends from independent claim 7. As already pointed out, none of the references teaches an elastomeric tube inserted through one of the first and second side ports where the lumen of the elastomeric tube is oriented crosswise to the longitudinal bore in the device connector and the latch member of Frey et al. does not have barbs on the bifurcated legs that engage a shoulder on an elastomeric tube in that Frey et al. does not incorporate an elastomeric tube that is oriented crosswise to the longitudinal bore. The Rowley '188 patent does not have first and second latch members with bifurcated legs where those legs project into the lumen of an elastomeric tube. While Bradshaw '202 shows an elastomeric seal 30 as called for by claim 13, it is not a tube with a lumen but instead is like a rubber washer and it does not have radial flanges on opposed ends thereof for engaging first and second side surfaces of the device connector.

Given these differences, it cannot be said that persons of ordinary skill in the art would find applicants' claimed arrangement obvious from the combined teachings of Frey with Rowley and Bradshaw.

By way of conclusion, then, appropriate amendments have been made to obviate the objections as to form. Likewise, the amendments made to independent claims 1 and 7 define a combination of elements that is neither anticipated by nor obvious in view of the cited art.

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In that the claims now remaining in the application are deemed to be allowable, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment filed in response to the Official Action of February 1, 2006, in application Serial No. 10/748,426, filed on December 30, 2003, of David J. Hansen, et al. entitled "Device-to-Lead Terminal Connector for Implantable Tissue Stimulators" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on February 13, 2006.

Date of Signature: February 13, 2006.



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